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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,326	02/18/1999	MARK G. PRESTOY	98-906	4365

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/252,326	<b>Applicant(s)</b> PRESTOY, MARK G.	
	<b>Examiner</b> Annan Q Shang	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments and amendment filed 08/19/04 have been fully considered but they are not persuasive.

With respect to claim 20, as applicant admits and also indicated in the system claims 1-26 and method claims 17-26, the claimed limitation(s) of claim 20 contains language similar to claim 4, as such claim 20 was rejected under the same grounds as claim 4.

With respect to independent claims 1 and 17, rejected under 35 U.S.C. 102(e) as being anticipated by **Dewkett et al (5,646,767)**, applicant argues that Dewkett states that "CPUs [101] of the host system are not used for [multimedia] data transmission" (Dewkett et al., col. 10, ll. 4-5), and thus are not 'configured to stream' video."

In response Examiner disagrees, it appears applicant is interpreting a couple of sentences within the cited column to imply that the plurality of CPUs 101, are not configured to stream video. As clearly indicated in the disclosure, the host CPUs "plurality of processors" handles concurrent STB requests, which includes movie start and stop commands and controls any Multimedia Adapter 106 to retrieve the requested movie from any set of disk "set of storage devices" associated with the MM adapter 106, to concurrently stream movie requests to STBs (col. 9, lines 19-22, line 45-col. 10, line 2); determines the transmission of the requested movie to be allowed to the STB and sends a responds command to the appropriate MMC of MM adapter 106 (col. 9, lines

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58-62); accepting interruption, reading blocks, inserting start and stop commands, performing processes needed to be done before any movie can be transmitted to any STB (col. 13, lines 58-63); copies or replicates movies from tape to one or more disks associated with the MM adapter 106 (col. 14, lines 39-62), etc. These cited columns clearly demonstrates that the plurality of CPUs in the host system are the master controllers of the interactive multimedia server system that are configured to control any intermediate MMC of the MM adapter 106 to concurrently stream movies to any STB based on the request, and furthermore controlling interrupts, checking for authorization and billing, etc., of the interactive multimedia server system. Hence the rejection of claims 1 and 17, using Dewkett is proper, maintained and repeated below, as Dewkett meets all the claimed limitations.

With respect to claims 2, 18 and 26, rejected under 35 U.S.C. 103(a) as unpatentable over **Dewkett et al.** in view of **Ehreth (6,286,142)**, applicant further argues that, "claims 2, 18 and 26 depend, directly or indirectly from one of claims 1 and 17. As explained, the claims 1 and 17 are distinguished from Dewkett et al. Moreover, Ehreth is not relied upon to teach, and in fact does not teach the above-noted deficiencies of Dewkett et al."

In response, examiner disagrees. As noted above Dewkett et al., teach all the claimed limitations of claims 1 and 17, and since Ehreth and Dewkett disclosures are in the same field of endeavor, the rejection of claims 2, 18 and 26, using Dewkett in view

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of Ehreth is proper, maintained and repeated below, as Dewkett in view of Ehreth meets all the claimed limitations.

With respect to claims 3, 5, 10, 13, 15, 16, 19, 23 and 24, rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al.** in view of **Banks (6,139,197)**, applicant further argues that, "claims depend, directly or indirectly from one of claims 1 and 17. However, claims 1 and 17 are distinguished from Dewkett et al., for at least the reasons set forth above, and Banks does not cure the cited deficiencies of Dewkett et al."

In response, examiner disagrees. As noted above Dewkett et al., teach all the claimed limitations of claims 1 and 17, and since Banks and Dewkett disclosures are in the same field of endeavor, the rejection of claims 2, 5, 10, 13, 15, 19, 23 and 24, using Dewkett in view of Banks is proper, maintained and repeated below, as Dewkett in view of Banks meets all the claimed limitations.

With respect to claim 16, rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al. in view of Banks, applicant further argues that, Banks does not explicitly teach the use of data in HTML format..

In response, it appears although Banks teaches a video server which can be implemented as a web server, but fails to explicitly teach using data in HTML format, hence the rejection has been withdrawn, however after further consideration, claim 16 has been rejected as unpatentable over Dewkett in view of Banks and further in view of **Fukui et al (6,052,715)** (discussed below in the office action).

With respect to claims 7-9, 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al. in view of **Hluchyi (6,151,325)**, applicant further argues that claims depend on claims 1 and 17 and since claims 1 and 17 are distinguished from Dewkett et al., the rejections are improper and should be withdrawn.

In response, examiner disagrees. As noted above Dewkett et al., teach all the claimed limitations of claims 1 and 17, and since Hluchyi and Dewkett disclosures are in the same field of endeavor, the rejection of claims 7-9, 21 and 22, using Dewkett in view of Hluchyi is proper, maintained and repeated below, as Dewkett in view of Hluchyi meets all the claimed limitations.

With respect to claims 14 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al., in view of Banks and further in view of **Cannon et al. (6,014,706)**, applicant further argues that claims depend on claims 3 and 19 respectively, and since claims 3 and 19 are distinguished from Dewkett in view of Banks, the rejection is improper and should be withdrawn.

In response, examiner disagrees. As noted above Dewkett et al., teach all the claimed limitations of claims 1 and 17, and the combination of Dewkett in view of Banks is proper since they are in the same field of endeavor, hence the rejection of claims 14 and 25, using Dewkett in view of Banks and further in view of Cannon, is proper, maintained and repeated below, as Dewkett in view of Banks and further in view of Cannon meets all the claimed limitations.

Applicant's amended claims do not overcome the prior art of record Dewkett et al., and also the other 35 U.S.C. 103 rejection(s) under Ehreth, Banks and Hluchyi, hence the amended independent claims have been rejected as being anticipated by Dewkett et al., and the other claims are also rejected accordingly as set forth below. This office action is made Final.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 6, 11, 12, 17 and 20, are rejected under 35 U.S.C. 102(e) as being anticipated by **Dewkett et al (5,646,676)**.

As to claims 1 and 11, note the **Dewkett et al** reference figures 1 and 2, disclose scalable interactive multimedia server system for providing on demand data, comprising:

the claimed "a massively parallel video server that includes: a set of storage devices; and a plurality of processors configured to stream a plurality of video streams from one or more video titles stored in the set of storage devices..." is met by Massive Multimedia (MM) Distribution System or Server which includes a Host Server or

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Computer System (Host-SS) (figs. 1, 2 and col. 1, lines 2-13 and col. 8, line 60-col. 9, line 23), note that MM System includes a plurality of Processors (CPUs) 101 all connected by a host system bus 103 and I/O buses 105 and configured to stream a plurality of movies "video streams" from one or more video stored in the set of Disk Drives 107 "set of storage devices" connected by buses via a plurality of Multimedia (MM) Adapters 106, for concurrently streaming a massive plurality of video streams to plurality of Set-Top-Boxes (STBs) 109 1-N "plurality of client devices," that are configured to receive at least some of the plurality of video streams (col. 9, lines 11-63 and col. 10, lines 35-64), and further enables a very large number of STBs to independently interact with the MM System or Server;

the claimed "a high capacity transport system..." is met by Network 108 (col. 8, line 64-col. 9, line 10), which includes paths to a plurality of STBs 109 1-N, for transporting movies "video streams" from the massively parallel video server to the plurality of STBs 109 1-N.

As to claim 4, Dewkett further discloses where one of the Host CPUs uses a controlled software to control the operation of the MM System by monitoring MM System, the high capacity transport system 108, and the various STBs 109 1-N (col. 9, lines 11-22 and line 63-col. 10, line 2).

As to claim 6, the claimed "plurality of nodes..." are met by Multimedia Adapters 106 (col. 8, line 66-col. 9, line 10), which comprises operating system software "a video server program" (col. 9, lines 11-26) that controls MM Controllers (MMC) 302 to stream one or more movies from one or more titles stored on a plurality of disks drives 107; the



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claimed "an interface module for formatting the video streams into cells..." is met by MMC processor (figs 3, 4 and col. 9, line 41-col. 10, line 2, lines 45-col. 11, line 5), note that MMC processor receives STB requests in the form of command control blocks and can control plurality of MMCs to retrieve the movie in the form of data blocks "cells" which can be transmitted serially to the requested STB; the claimed "disk controller for retrieving the video titles..." is met by MM Controller (col. 9, lines 46-62), which retrieves the movies "video titles" from the set of disks drives 107 "storage devices" and at least host MMC processor "one of the plurality of processors" running the software program (col. 11, line 63-67).

As to claim 12, Dewkett further discloses where one or more of the plurality of client devices includes a personal computer (col. 7, lines 43-52).

As to claim 17, note the **Dewkett et al** reference figures 1 and 2, disclose scalable interactive multimedia server system for providing on demand data and further disclose a method for delivering interactive multimedia from storage devices (disk 107n) to a plurality of subscribers at a subscriber site (set-top boxes "STBs" 109n), the method comprising:

the claimed "providing a massively parallel video server that includes: a set of storage devices; and a plurality of processors configured to stream a plurality of video streams from one or more video titles stored in the set of storage devices..." is met by Massive Multimedia (MM) Distribution System or Server which includes a Host Server or Computer System (Host-SS) (figs. 1, 2 and col. 1, lines 2-13 and col. 8, line 60-col.col. 9, line 23), note that MM System includes a plurality of Processors (CPUs) 101

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all connected by a host system bus 103 and I/O buses 105 and configured to stream a plurality of movies "video streams" from one or more video stored in the set of Disk Drives 107 "set of storage devices" connected by buses via a plurality of Multimedia (MM) Adapters 106, for concurrently streaming a massive plurality of video streams from one or more titles stored in MM Distribution Server, to plurality of Set-Top-Boxes (STBs) 109 1-N "plurality of client devices," that are configured to receive at least some of the plurality of video streams (col. 9, lines 11-63 and col. 10, lines 35-64), and further enables a very large number of STBs to independently interact with the MM System or Server;

the claimed "transporting the video streams to plurality of clients..." is met by Network 108 (col. 8, line 64-col. 9, line 10), which includes paths to a plurality of STBs 109 1-N, for transporting movies "video streams" from the massively parallel video server to the plurality of STBs 109 1-N.

Claim 20 is met as previously discussed with respect to claim 4.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** as applied to claims 1, 17 and 23 above, and in view of **Ehreth (6,286,142)**.

As to claim 2, 18 and 26, Dewkett fails to explicitly teach a set of display devices connected to the plurality of client devices respectively for displaying the video streams.

However, **Ehreth** discloses a method for communicating video signals to a plurality of television sets 100 (fig. 1 and col. 2, line 59-col. 3, lines 15).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ehreth into the system of Dewkett to provide the user with multiple display devices to enable the user view other programs simultaneously as desired.

6. Claims 3, 5, 10, 13, 15, 19, 23 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** as applied to claims 1 and 17 above, and in view of **Banks (6,139,197)**.

As to claims 3 and 13, Dewkett teaches all the claimed limitation as previously discussed with respect to claim 1, but fails to explicitly teach an encoder for encoding video and for storing the encoded video on the MM System.

However, note the **Banks** reference figure 1A, discloses a Video Server 102 with a video encoder 106 that streams real-time video on the fly to Client 110 (fig. 1 and col. 3, lines 41-58).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Banks into the system of Dewkett to provide an encoder to encode the video to appropriate compression rate, to meet bandwidth requirements.

As to claims 5 and 15, Dewkett fails to explicitly teach a web server which interface Internet network and for storing data.

However, Banks further discloses where Video Server 102, can be implement as a web server, which interfaces Internet network and provide services to Client 110 (col. 3, line 51-col. 4, line 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Banks into the system of Dewkett to provide a web server to enable clients to access web pages and other Internet services.

As to claim 10, Dewkett further discloses a plurality of STBs 109 1-N each with a processor for executing the interactive display "a browser program" to interacting with MM System to receive the requested movie and for controlling the movie with VCR-like function (col. 10, lines 35-58 and col. 14, lines 16-26), but fails to explicitly teach retrieving data from a web server, which has been previously discussed with respect to claim 5.

Claim 19 is met as previously discussed with respect to claim 3.

Claim 23 is met as previously discussed with respect to claim 5.

Claim 24 is met as previously discussed with respect to claim 13.

7. Claims 7-9, 21 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** as applied to claims 1 and 17 above, and in view of **Hluchyj (6,151,325)**.

As to claims 7-9, Dewkett fails to explicitly teach high capacity transport system comprising one or more asynchronous transfer mode (ATM) switching systems, which pre-established connections associated with the plurality of client devices, respectively and further pre-established bi-directional connections associated with the plurality of client devices, respectively.

However, **Hluchyj** discloses a high-capacity multistage switching system that includes ATM switch that dynamically establishes a connection using as part of the connection a permanent virtual connection, i.e., a pre-established connection path to transfer respective user data over the appropriate pre-established connection path through the ATM switch (col. 7, lines 20-55 and col. 13, line 57-col. 14, line 10).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hluchyj into the system of Dewkett to provide an ATM switching system that pre-establishes connection path or bi-directional connection path for transfer of data, between a server and a client, securely on a private virtual connection or pre-established connection, and furthermore transmit data faster on a wide area network and assure quality of service (QoS).

Claims 21 and 22, are met as previously discussed with respect to claims 7-9.

8. Claims 14 and 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** in view of **Banks (6,139,197)** as applied to claims 3 and 19 above, and further in view of **Cannon et al (6,014,706)**.

As to claim 14, Dewkett as modified by Banks fail to explicitly teach off-line encoder for encoding off-line video.

However, Cannon et al discloses a Video Camera 106 and an encoder 110 that performs encodes video off-line or live and transfers to a Video Server 102 for transmission to Client 104 (fig. 1 and col. 7, lines 10-34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Cannon into the system of Dewkett as modified by Banks to provide a video camera for encoding live video and transferring to a video server, thereby enabling the video server to live video to users.

Claim 25 is met as previously discussed with respect to claim 14.

9. Claim 16, is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,676)** in view of **Banks (6,139,197)** as applied to claim 5 above, and further in view of **Fukui et al (6,052,715)**.

As to claim 16, Dewkett as modified by Banks, fail to explicitly teach where the web server sending data in HTML format to clients.

However, note the **Fukui** reference figure 1, discloses a where server 6 which provides data in the form of HTML to Information Terminal 1 (figure 1, col. 5, lines 30-33 and col. 6, lines 9-17).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Fukui into the system to Dewkett as

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modified by Banks, to provide a web server with HTML data to enable retrieval of other reference entities within the HTML document via a communication network.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LaRocca et al (6,314,572) disclose method and apparatus for providing subscription-on-demand services, dependent services and contingent services for an interactive information distribution system.

Gordon et al (6,208,335) disclose method and apparatus for providing a menu structure for an interactive information distribution system.

Bleidt et al (5,671,377) disclose system for supplying streams of data to multiple users by distributing a data stream to multiple processors and enabling each user to manipulate supplied data stream.

**11. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



**Annan Q. Shang.**



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
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